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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 RENARD T. POLK,

11 Petitioner,

12 vs.

13 ROBERT LeGRAND, *et al.*,

14 Respondents.
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Case No. 3:05-cv-00252-RCJ-VPC

ORDER

17 This closed action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C.
18 § 2254 by a Nevada state prisoner. By order filed January 25, 2006, the petition was dismissed with
19 prejudice. (ECF No. 29). Judgment was entered on January 26, 2006. (ECF No. 30). Petitioner
20 appealed. On December 1, 2006, the Ninth Circuit Court of Appeals denied petitioner's request for
21 a certificate of appealability. (ECF No. 37).

22 On September 2, 2014, petitioner filed a motion to vacate this Court's order. (ECF No. 38).
23 On September 29, 2014, petitioner filed a motion for leave to file a late pleading in this action.
24 (ECF No. 39). Petitioner claims that his motion to vacate is made pursuant to 28 U.S.C. § 2255.
25 This claim fails because petitioner is a state prisoner in the custody of the Department of
26 Corrections. The state convictions challenged in the instant action were challenged pursuant to 28
27 U.S.C. § 2254. As such, § 2255 has no applicability to this action. To the extent that petitioner's
28 motion is construed as a motion for relief from judgment, the passage of approximately 8 years

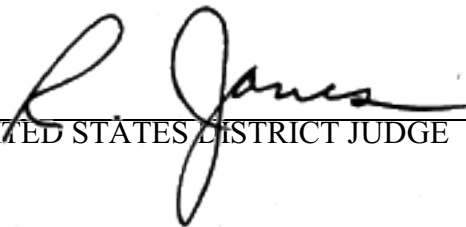
1 since the entry of judgment is reason alone to deny the motion. Fed. R. Civ. P. 60. Petitioner's
2 motion to file a late pleading is also denied.

3 **IT IS THEREFORE ORDERED** that petitioner's motion to vacate (ECF No. 38) is
4 **DENIED.**

5 **IT IS FURTHER ORDERED** that petitioner's motion to file a late pleading (ECF No. 39)
6 is **DENIED.**

7 **IT IS FURTHER ORDERED** that petitioner shall file no further documents in this closed
8 action.

9 Dated: This 29th day of October, 2014.

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13 UNITED STATES DISTRICT JUDGE
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